

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

February 24, 2014
6:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Balducci, Deputy Mayor Wallace, and Councilmembers Chelminiak, Lee, Robertson, and Robinson

ABSENT: Councilmember Stokes

1. Executive Session

Deputy Mayor Wallace called the meeting to order at 6:01 p.m., and declared recess to Executive Session for approximately 30 minutes to discuss one item of property acquisition.

The meeting resumed at approximately 6:45 p.m., with Mayor Balducci presiding.

2. Oral Communications

- (a) Paula Harnes spoke to the Council about violent incidents at Bellevue Square and Munchbar. She believes this is an enforcement issue and an integrity issue with the Police Department. She said that people cannot be allowed to urinate on the walls and assault people, and then be escorted to their vehicles, appearing to be drunk, and be allowed to drive away. She applauded the Council for its willingness to consider a chronic nuisance ordinance but said this is too late for her son Jacob.
- (b) Ian Pedersen spoke regarding the proposed chronic nuisance ordinance. He said he was assaulted in March 2013 in front of Paddy Coyne's in Bellevue, and required surgery as a result of this crime. He called 911 and Bellevue Police Department officers responded. They indicated they would contact him regarding the case because he told them he wanted to press charges for felony assault. He was never contacted. There are witness statements, police reports, and photographic evidence taken by the Bellevue Police Department. Mr. Pedersen said the City is responsible for allowing a violent criminal with a record of violations to remain free. He believes the City is more concerned about negative publicity than protecting the public. He said the chronic nuisance ordinance is too little, too late. Mr. Pedersen said the assault has resulted in more than \$15,000 in costs as well as permanent nerve damage.

- (c) Queen Pearl spoke to the Council regarding Black History Month, noting that she celebrates the legacy of Rosa Parks. Ms. Pearl expressed concern about problems in Seattle, including with the Police Department. She said she is an advocate for justice. She was responsible for Resolution 4999 which banned smoking in public housing. She said she has been harassed in retaliation for her activism. She feels there is more of a relaxed atmosphere here in Bellevue, where citizens are allowed to speak on any topic. She feels that the City of Seattle and the King County Council are abusive to the public. She asked the Bellevue City Council to advocate for everyone's civil rights.
- (d) Sam Bellomio, representing StandUP-America, asked Councilmember No. 2 to stop writing and to listen to the speakers. He expressed concerns including Police Department accountability, general discrimination, and the use of red light cameras. He said the red light camera vendor has been accused of bribing elected officials (outside of Bellevue). He noted his ongoing request that the City Council review and discuss the use of red light cameras. He questioned whether the use has reduced accidents. Mr. Bellomio expressed concern about the Police Department's tracking of hours worked. He spoke in favor of a two-term limit for elected officials and requested that the City hold regular public forums. Mr. Bellomio said the Mayor has told him he cannot refer to Councilmembers by name so he instead referred to him by position.

Mayor Balducci reiterated that what she asked Alex Zimmerman the previous week is that he not use derogatory terms directed at specific Councilmembers.

- (e) Alex Zimmerman, President of StandUP-America, said Councilmembers should be limited to two terms. He said someone came to his house asking his opinion about the City. He questioned why this is not done in a public meeting. He said he is involved in a criminal case with the Bellevue Police Department that is on appeal. He expressed concern about the cost of this prosecution for the City.
- (f) Lincoln Vander Veen, representing the Bellevue Chamber of Commerce, spoke about the King County Council's proposed transportation revenue measure, which will appear on the April ballot. The Chamber's Board of Directors has not taken a formal position but has identified a number of concerns, including that the measure will jeopardize the need for the State Legislature to provide transportation funding. King County has not identified transit service increases, if any, for Bellevue. The Chamber is interested in exploring whether Bellevue would be better served by the creation of a Transportation Benefit District. Mr. Vander Veen submitted his comments in writing.

3. Study Session

- (a) Council Business and New Initiatives

[There was no discussion.]

(b) East Link Project Update

Acting City Manager Brad Miyake introduced staff's update on the East Link light rail project.

Transportation Director Dave Berg noted the updated project schedule provided in the presentation and as a separate 11" x 17" handout.

Mahe Welaye, Transportation Capital Projects Manager, highlighted design, cost estimating, and permitting milestones in the project schedule. Sound Transit is moving into the 90-percent design phase which is to be completed by the end of 2014. The 100-percent design and bid documents will be completed in 2015, with a target of beginning construction later that year.

Mr. Welaye said Sound Transit submitted its first permit package for the Bel-Red segment earlier this year, and additional packages (South Bellevue, Tunnel, Downtown) will be submitted through 2014. The shoreline permit was submitted in late 2013. The Light Rail Permitting Citizens Advisory Committee will continue its work throughout the permitting process. More information on the operations and maintenance facility will be available later this year.

Glenn Kost, Parks Planning Manager, described the Surrey Downs Park Master Plan and the integration of the East Link light rail project along the edge of the park on 112th Avenue SE. He described alternatives currently being analyzed to mitigate noise and visual impacts of the light rail system.

Councilmember Robertson expressed support for working to ensure that the park is enjoyed by users within the park as well as by those passing along the edge of the park. She believes that park development provides an opportunity to incorporate the mitigation of light rail impacts.

Responding to Councilmember Robinson, Mr. Kost confirmed that the City is seeking to go beyond federal requirements regarding noise impacts. He said that federal guidelines do not require noise walls in the park.

Councilmember Robertson stated her understanding that the park was identified as a receptor in Sound Transit's light rail analysis. Mr. Kost said Transportation staff would be able to comment on that.

Mayor Balducci said the Council is interested in minimizing noise impacts for park users.

Mr. Kost said the sound consultant's work continues, and the Council will be updated about alternatives when more information is available.

Deputy Mayor Wallace questioned whether the park project will go through its own permit process or be incorporated in the East Link permit process.

Mr. Kost said the portion along 112th Avenue SE will be addressed with the light rail project. The remainder of the park to the west will be handled within the park's permitting process.

Deputy Mayor Wallace said he would like to understand how the light rail and park permitting processes are working together to make sure there is compliance in mitigating all of the impacts, as opposed to leaving a gap if one side complies and the other does not.

Mr. Kost said the division between the two projects will be clarified as each plan becomes finalized.

Mr. Wallace noted that Bellevue's noise standards are to be used for mitigation. With regard to mitigation costs, he wants to ensure that Bellevue taxpayers are not charged for light rail mitigation as part of the park project. Mr. Kost said more details will be presented as the park master planning process moves forward.

Councilmember Lee concurred with Mr. Wallace's concern about who is responsible for certain costs for the park and for light rail. He said the City should be careful to not give up its responsibility or interests. The City's standards and commitment to residents are paramount.

Mayor Balducci recalled visiting with the Surrey Downs neighborhood a few years ago, when residents shared their vision for the park. She is pleased with the evolution of the park Master Plan. She observed that the ambient noise from the parking lot of the courts is relatively loud coming from both 112th Avenue SE and I-405. She is looking forward to this opportunity to enhance the sound buffering.

Mr. Berg noted two upcoming open house events co-sponsored by Sound Transit and the City. The February 25 open house will discuss the East Main Segment, and the public meeting on March 25 (5:00-7:00 PM) will address the Downtown Segment.

Chris Salomone, Director of Planning and Community Development, spoke about the Urban Land Institute (ULI) technical panel that would be in Bellevue the following week to tour the potential sites for the Sound Transit light rail operations and maintenance satellite facility (OMSF). The independent review report will follow approximately six weeks later. The OMSF draft environmental impact statement (DEIS) will be published in May, and the preferred site alternative will be selected by the Sound Transit Board in August.

Deputy Mayor Wallace observed that the project schedule is focused on Sound Transit's activities as opposed to the City's obligations. He would like to see more information on the City's activities related to the light rail project.

Don Billen, Sound Transit, and Victor Obeso, King County Metro, presented information on the I-90 transit system integration.

Mr. Billen said the light rail system funded through ST2 (Phase 2) will have approximately 50 miles of light rail. This creates opportunities for light rail and bus service to connect to improve the rider experience and to achieve operational efficiencies. He described transit stops along I-90 and the D2 transitway in Seattle. Based on experience in Seattle, Sound Transit and Metro agree that it is too complicated to use the D2 transitway for both buses and light rail. An alternate operating scheme would place a reversible bus lane parallel to the light rail tracks. Under a

second alternative, I-90 buses would be principally turned around at the Mercer Island Station, and Seattle-bound passengers would transfer at Mercer Island. The transfer scenario results in a slightly shorter travel time and provides the opportunity for operational efficiencies as well as slightly lower capital costs for the D2 tunnel.

Mr. Obeso described the regional connections for Metro bus service. The integration of bus and light rail services is intended to maximize opportunities for mobility for Eastside commuters and to not duplicate services between Metro and Sound Transit. Mr. Obeso said approximately 30 Metro bus routes were reorganized in 2009 and 2010 as the Central Link light rail segment in Seattle was implemented. Metro provides more local connections and Sound Transit provides key regional connections. Mr. Obeso described the layouts of the South Bellevue and Mercer Island stations.

Councilmember Robertson said she hopes there will be a net increase in both bus and light rail transit capacity over the next few years, and that light rail will not simply be replacing bus service for the same ridership. She hopes to see a significant increase in the overall number of transit riders.

Ms. Robertson said it is important to have adequate parking at the Mercer Island station. She said park and rides are essential to providing access to transit, especially on the Eastside. She said all of the current park and ride lots are regularly full. She would like to see a substantial expansion of the Mercer Island station, especially if it is to be a major transfer hub.

With regard to the D2 alternatives, Ms. Robertson noted that the one minute savings in travel time is not likely to be considered worthwhile to passengers who have to change from a bus to light rail, especially in inclement weather. She questioned whether Sound Transit and Metro are analyzing the rider experience.

Mr. Billen said the City of Mercer Island is interested in exploring ways to partner with transit agencies to provide additional parking capacity. With regard to the D2 rider transfer experience, Mr. Billen acknowledged the challenge of designing it to make it as convenient as possible. He said a positive tradeoff is the reliability of light rail on the Seattle side versus surface street buses.

Mr. Obeso noted that approximately 40 percent of Metro riders today transfer between at least two buses.

Ms. Robertson acknowledged that transfers have become more prevalent as bus transit service has been reduced. However, she reiterated her concern that the rider experience is an important consideration when analyzing travel times. She would like the transit system to retain buses for those who prefer them.

Responding to Mayor Balducci, Mr. Billen said that adding a bus lane parallel to the light rail line would cost approximately \$15 million. He confirmed that would avoid the scenario in which riders would be required to transfer between buses and light rail at Mercer Island.

Responding to Deputy Mayor Wallace, Mr. Billen said carpools will no longer be able to use the D2 facility upon the implementation of East Link light rail. Cars will be exiting at either Rainier Avenue or Fourth Avenue.

Responding to Mr. Wallace, Mr. Obeso confirmed that all bus service from the Eastside into Seattle would transfer at Mercer Island under the alternate scenario.

Councilmember Robinson concurred with Councilmember Robertson's concerns about the rider experience. Dr. Robinson said it will be important to have good bus service and a comfortable transfer experience to ensure that people see the value in taking the bus versus driving to Mercer Island to catch light rail.

Councilmember Lee said he is concerned about the transfer scenario as well. He noted the need to maintain the sense of hassle-free convenience in taking transit. He said accessibility to park and ride lots and light rail stations is important, and he questioned the walkability of the Mercer Island station.

Mr. Billen said the Mercer Island park and ride lot is within easy walking distance of that city's center.

Mr. Obeso said Sound Transit and Metro understand that the rider experience is important in attracting riders to the system. Experience shows that people are willing to make transfers when it is convenient, when there is a relatively short wait, and when the overall trip is reliable in terms of total travel time.

Mayor Balducci said the region is making a huge investment in light rail, and it is important that it provide the maximum benefit. She observed that if the alternative requiring transfers allows the expansion of bus service on the Eastside, that would be a desirable outcome. She said the change will not happen for a decade but it is good to be thinking about it now. She said the capital needs in the future will influence decisions as well.

As a transit commuter, Ms. Balducci said she feels that transit is less of a hassle than driving and parking, even though she could afford to pay for parking. With regard to the potential for having to change from bus to light rail on Mercer Island, she said it would be tolerable to her if she could rely on a short connection time and frequent service.

Mayor Balducci said the Eastgate Park and Ride is so close to the next stop at Mercer Island, which could encourage her and others to drive directly to Mercer Island. This presents a capacity issue with the Mercer Island park and ride, however.

Councilmember Robinson believes that underscores the need for ensuring that buses will travel faster than cars.

Ms. Balducci encouraged the transit agencies to consider riders who must ride the bus and do not have another option. She wants to ensure that the transfer is as minimally intrusive as possible. She said there are many aspects of the transit system that are very high quality. However, the

elevators are a mess, and those who rely on the elevators should have clean, functional elevators to use.

(c) Consideration of Ordinances for Police Work Program Items

- (1) Proposed Chronic Nuisance Ordinance to provide the Police Department with an additional tool to prevent and/or reduce crimes associated with certain business establishments and residences.

Acting City Manager Miyake introduced discussion of the proposed chronic nuisance ordinance. The purpose of the ordinance is to prevent and/or reduce crimes associated with certain business establishments and residences. Staff is seeking Council direction on whether to schedule this ordinance for consideration at a future Council meeting.

Police Chief Linda Pillo introduced Lt. Andrew Popochock to provide information on nuisance situations within the community.

Chief Pillo said that, for many years, there have been businesses and residences that have required repeated calls for service. However, the City does not have an ordinance for dealing with these properties as a chronic nuisance. In 2011, a business opened and almost immediately became a nuisance property. In less than two years, the Police Department received 377 calls for service at that night club. Lt. Popochock was a downtown Police Officer at that time and worked closely to attempt to mitigate these calls for service.

Lt. Popochock said Bellevue has a growing downtown with an increasing number of businesses and night clubs. He noted that the 377 calls mentioned above refer to incidents at the club itself. He said there are probably additional calls related to incidents that occurred after individuals left that club as well. Lt. Popochock said the Police often see security issues with clubs including those refusing to screen for weapons and patrons leaving the club who are found to be in possession of drugs. Another club always leaves its back door open, which provides the opportunity for anyone to walk through.

Lt. Popochock said the chronic nuisance ordinance gives the Police Department the ability to impose security measures on certain clubs to increase public safety and reduce calls for service. The ordinance provides a mechanism for creating a partnership between the club and the Police Department. The club with all of the calls was eventually voluntarily closed. However, Vertigo and the Sky Ultra Lounge were not cooperative with Police to address security concerns. Lt. Popochock said the chronic nuisance properties threaten the safety of both the public and Police Officers.

Lt. Popochock said there is an apartment complex with chronic problems whose management will not cooperate with the Police Department. He has responded to assaults, drive-by shootings, and multiple stolen property and drug incidents, which is a drain on Police resources. The proposed ordinance is similar to one in effect in Seattle. The Bellevue Police Departments wants to proactively address this issue as Bellevue continues to grow in order to continue to attract

people to the community for entertainment. The ordinance will also help Police address security issues with the new marijuana-related businesses.

Chief Pillo said Seattle's ordinance has been in effect since 2011. All businesses/residences except one have complied without taking the matter to the courts. The City of Seattle said the threat of declaring a property a chronic nuisance has abated a great deal of the City's public safety concerns.

Chief Pillo said examples of chronic nuisances in Seattle are a private residence associated with repeated complaints of drug dealing and a motel with complaints of prostitution and drug dealing. She said the complaints are not strictly associated with larger venues such as night clubs.

Chief Pillo highlighted aspects of the proposed ordinance provided in the meeting packet. The ordinance targets properties with three or more defined nuisance activities that have occurred on the property within 60 days or seven nuisance activities that have occurred within a 12-month period. Examples include assault, extortion, kidnapping, rape, robbery, vehicular assault, stalking, harassment, prostitution, weapons violations, liquor-related offenses, and others. The ordinance also applies to properties that have been the subject of a court determination two or more times within a 12-month period that probable cause exists regarding the illegal possession, manufacture or delivery of a controlled substance or other offenses under the Uniform Controlled Substance Act.

Responding to Mayor Balducci, Chief Pillo said the latter would mean that someone obtained a warrant regarding this activity.

Continuing, Chief Pillo said the Police Chief will be required to follow specific procedures for giving notice to property owners that the property is a chronic nuisance. The subsequent corrective agreement advises the property owner on how to remedy the nuisance determination and outlines the consequences for failing to do so. It also lists the reasons for declaring the property a chronic nuisance.

Chief Pillo said the agreements could include provisions for additional security guards, enhanced control of access to the property, additional lighting, eviction of tenants who are committing criminal activity, entering into the City's trespass program to address individuals committing criminal acts on an owner's property, and training employees on security measures (e.g., screening for weapons and the refusal to serve obviously intoxicated patrons). If the property owner refuses or is unsuccessful in abating the nuisance, the ordinance allows progressive fines after a hearing in which the property owner has full due process rights to counter the declaration of chronic nuisance.

If the ordinance is adopted, Chief Pillo said the Police Department and City Attorney's Office will work together to create templates for declaring a chronic nuisance and establishing corrective agreements. The Police Department also anticipates developing checklists for the information needed to track nuisance properties.

Mayor Balducci recalled that the two proposed ordinances on the evening's agenda were raised in the past, and the Council asked staff to conduct additional analysis and review. Ms. Balducci observed that a great deal of thought has gone into developing the ordinances, and the City has had more experience with chronic nuisances as well.

Councilmember Robinson questioned whether the ordinance needs to address businesses that recruit customers from outside of the area and bus them in, in order to appear busy. Her understanding is that was a contributing factor with the Munchbar situation. She questioned whether this practice could be addressed in a correction agreement.

Chief Pillo said Seattle has had problems with a large venue that was catering to raves and electronic music. She said it is possible such issues could be addressed with the correction agreements because some of the promoters do not have the credentials required to be a business in Bellevue.

Ms. Robinson said she would be interested in including that practice as a potential chronic nuisance element.

Lt. Popochock said Bellevue has experienced problems with promoters who have also caused problems in Seattle. He said the Police Departments attempt to influence property owners to work with other promoters, but the same promoters seem to move around the area. He wondered whether the agreements could prohibit working with specific promoters.

Siona Windsor, Assistant City Attorney, said if there is criminal activity associated with events sponsored by a particular promoter, that provides leverage for addressing the problems.

Responding to Deputy Mayor Wallace, Chief Pillo said the Police Department is seeking approval of the ordinance as a consent calendar item, with or without additional Council discussion. The Police Department would then work with the City Attorney's Office to implement the program.

Ms. Windsor said the ordinance would take effect 30 days following adoption by the City Council.

Mr. Wallace observed that no one on the Council is a fan of the Munchbar, and the proposed ordinance appears favorable based on the City's experience with that property. However, certain provisions are vague, and he cautioned against unintended consequences due to the latitude allowed for the Police Department.

Deputy Mayor Wallace suggested meeting with Chris Benis, the lawyer for the Rental Housing Association, to obtain input on what this means for a landlord. It might not be possible to evict a tenant because someone does not like their music or because Police are being called. He said there often is not a lot a landlord can do unless a tenant violates a lease provision.

Ms. Windsor said the ordinance itself will be the last step of an intensive discussion between the Police Department and the property owners. If a property owner has done everything possible to

correct a violation and it still cannot be abated, there is not a violation for the landlord because they do not have control over the situation. Ms. Windsor said she understands that Mr. Benis owns nine properties in Bellevue, and he is someone who would work closely with the Police Department to find ways to ensure that his properties are not being negatively impacted by criminal activity.

Deputy Mayor Wallace said Mr. Benis is a real estate lawyer and an expert in landlord-tenant issues. He was not aware of his rental properties in Bellevue. Mr. Wallace suggested that perhaps other experts could be helpful in identifying potential implications of adopting the ordinance.

Mr. Wallace said he is not sure whether marijuana falls under drugs or liquor, or neither, but he observed it is not listed in the ordinance. He said there have been conversations about human trafficking and enforcing the law with regard to massage parlors, and those issues also are not included in the ordinance. He suggested the proposed ordinance could provide an opportunity to better address those situations.

Chief Pillo concurred with the comment on massage parlors and similar businesses. She said the Police Department reached out to the Bellevue Chamber of Commerce, Bellevue Downtown Association, and Kemper Development Company. One individual's feedback was that the ordinance appears to be a balanced and fair tool to deal with the problems identified in the ordinance. Another individual questioned the experience of similar ordinances in other jurisdictions.

Chief Pillo said the Bellevue Police Department feels comfortable recommending the Seattle ordinance based on its experience since 2009. She said she owns a rental property and the lease includes a provision against criminal activity on her property. She said the ordinance is intended to be used as a last resort in dealing with chronic nuisances that jeopardize public safety and are not willing to cooperate with jurisdictions. All properties except one have cooperated with the City of Seattle.

Mayor Balducci noted her concern with residential property owners/landlords who might be renting to and/or living with family members. She wants to ensure that there are measured steps and an opportunity for the property owner to manage the situation before enforcement measures and/or fines. She shares Mr. Wallace's concerns regarding landlords who might have limited ability to control tenant behavior. However, the fact that Seattle's ordinance has been in place and not experienced that type of problem makes her more comfortable with regard to that issue.

Ms. Balducci observed that there is an element of trust involved with the ordinance. If a Police Department is using the ordinance in good faith and as intended, it can be an effective tool. However, she said there is the potential for the abuse of the discretion allowed by the ordinance. Mayor Balducci said she will support the ordinance with trust that the Bellevue Police Department will use it as intended. However, she acknowledged that abuse could occur anywhere.

Mayor Balducci suggested that the item come back for consideration but not as a consent calendar item. She requested that the Police Department conduct follow-up with someone in the landlord-tenant role.

Councilmember Robinson said that, as a home care worker and case manager, she has seen many atrocities in homes in which an individual is essentially powerless under the law to deal with a situation until a crisis or tragedy occurs. She understands the Mayor's important concerns. However, she views this as a significant incentive program that will address the situations she has observed.

Councilmember Robertson said she spoke with Assistant City Attorney Windsor earlier in the day with some technical questions. Ms. Robertson said she supports the proposed ordinance as another tool in the toolbox. She is comfortable with allowing the discretion because, should it be abused, the Council could modify its approach in the future. She believes the chance of abuse is limited by the due process protections in the ordinance, especially placing the burden of proof on the City to establish that a property is a chronic nuisance and that the corrective action is reasonably calculated to abate the nuisance.

Responding to Ms. Robertson, Ms. Windsor said the City has the ability to enforce violations of the Liquor Control Board's provisions.

With regard to marijuana processing, Ms. Robertson expressed concern regarding the use of butane in that process. Ms. Windsor said the Residential Landlord-Tenant Act does prohibit illegal drug activity. However, she would need to review it again to check whether it mentions the specific practice described by Councilmember Robertson. Ms. Robertson said she wants to ensure that it is covered by the chronic nuisance ordinance.

Councilmember Robertson supports applying the ordinance to all classes of real estate because both businesses and residences should be safe places. She questioned the process for the commencement of action, noting that the ordinance indicates that the Police Chief may initiate an administrative proceeding through the Hearing Examiner, or the City Attorney may initiate an action through the court. Ms. Windsor said Seattle uses only the court option.

Ms. Robertson expressed concern that Bellevue's proposed approach could be confusing. She said it would be helpful to know the cost and the ability to move quickly to deal with a crisis situation under each approach.

Ms. Windsor said staff included both options because, in some circumstances, the hearing examiner process would be quicker and more efficient. That process is less formal and could be beneficial in certain situations. It is more costly for the City because hearing examiners are paid for their services. The court process is less expensive but the technical rules of evidence apply and the process can take longer. However, this would likely be a good avenue if the case is expected to escalate through the courts. Ms. Windsor said staff believes it would be helpful to make both options available, and it is not anticipated that many cases would get to this point.

Ms. Robertson reiterated that she would like to see an analysis comparing the two approaches.

Councilmember Robertson questioned whether more Police Officers are needed in the downtown. Chief Pillo said the Police Department is developing a budget proposal to restore the downtown bike patrol and additional investigators.

Councilmember Lee thanked staff for preparing the proposed ordinance. He said he shared Councilmember Wallace's concerns about unintended consequences, but he would support the ordinance as a tool for the Police Department in maintaining public safety. He said he would be interested in more information about the possible implications for landlords and property owners.

Mayor Balducci summarized the Council's interest in additional information and general support for moving forward with the ordinance following additional discussion. Mayor Balducci requested information from staff on the incidents described earlier by citizens during oral communications.

- (2) Proposed Ordinance Creating a New Gross Misdemeanor of Loitering with the Intent of Engaging in Drug-Related Activity by adding a section to Chapter 10.06 of the Bellevue City Code

Mr. Miyake opened discussion of the proposed ordinance creating a new gross misdemeanor of loitering with the intent of engaging in drug-related activity.

Deputy Police Chief Jim Jolliffe recalled previous discussion with the Council in 2011 regarding the proposed ordinance. The initial draft ordinance was based on the Tacoma Drug Loitering ordinance that the Washington Supreme Court upheld in 1992. At that time, the Council felt it was too ambiguous. The Bellevue Police Department has revised its proposed ordinance using Seattle's ordinance as a model. The Supreme Court favorably referred to the Seattle ordinance in upholding the constitutionality of the Tacoma ordinance.

Deputy Chief Jolliffe referred the Council to the second page of the ordinance for a list of prohibited conduct that could lead a Police Officer to engage with an individual.

Police Officer Jim Keene said he initially came before the Council in 2011 when he was working as a patrol officer in the Crossroads area. He said there was a great deal of frustration from business owners who would call 911 because they were observing drug dealing. Yet when Police Officers arrived, there was little they could do because the drug dealers were knowledgeable enough to avoid certain behavior that would get them arrested.

Officer Keene said he spent time in apartment complexes in the area, talking to younger children who would let the Police know about what was happening and the most likely times that drug dealing was occurring. This led the Police to look for more creative ways to combat the problem.

Deputy Mayor Wallace observed that the ordinance has been greatly improved since the initial draft. He believes it is more specific and better directed at the core issues to avoid unintended consequences. He supports the ordinance.

Councilmember Robertson expressed support for the ordinance and suggested it return as a consent calendar item if supported by the Council.

Noting general support for proceeding as suggested, Mayor Balducci thanked staff for their work on the ordinance. She stated her understanding the officers will be required to include the basis for any arrests under this ordinance in their written reports.

Deputy Mayor Wallace said he was searching online and it looked like the City of Seattle produces an annual report on chronic nuisance properties and related enforcement actions. He suggested that Bellevue implement a similar monitoring and reporting tool.

Councilmember Robertson said that, if the chronic nuisance ordinance is passed, it would be helpful to initiate outreach to landlords to educate them about the ordinance and what they can do to avoid becoming a chronic nuisance.

(d) Regional Issues

Joyce Nichols, Director of Intergovernmental Relations, noted that staff has been providing weekly updates to the Council on the state legislative session. February 18 was the cutoff for bills to be passed out of the house or origin to remain viable. The Economic and Revenue Forecast Council released the State revenue forecast on February 19, which shows minimal changes to the economic outlook. The net gain for the General Fund is \$2 million.

The forecast included estimated revenue from recreational marijuana beginning with \$51.2 million for the 2015-2017 biennium and \$138.5 million for the 2017-2019 biennium. Although it was not included in the 2013-2015 biennium forecast, the State will begin collecting marijuana-related taxes this summer.

Ms. Nichols said nothing significant is expected with regard to a transportation package. The Washington State Department of Transportation (WSDOT) announced that its SR 520 project office will close in June if no additional funding is provided.

Ms. Nichols noted that Senate Bill 5887 reconciles the medical marijuana and recreational marijuana systems and distributes a portion of recreational marijuana revenues to cities and counties. The feedback from the state legislature is a reluctance to designate revenue sharing for local law enforcement when data is not available to estimate those costs. In the past, the sharing of State liquor store revenues was shared with local governments on a 50-50 basis.

With regard to the federal legislative session, Ms. Nichols said the U.S. Congress raised the debt ceiling.

She recalled that the Marketplace Fairness Act was passed in the Senate last year. However, there has been no action in the House. The bill would allow state governments to collect sales and use taxes from Internet retailers who do not have a physical presence in the state. This would be beneficial for this state which heavily relies on sales tax revenues.

Deputy Mayor Wallace noted that Amazon supports the bills. However, most smaller out-of-state businesses do not. The bill would provide a level playing field for large and small Internet retailers as well as local retail stores.

Councilmember Lee said he is attending the National League of Cities conference in March.

At 9:31 p.m., Mayor Balducci declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

March 3, 2014
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Balducci, Deputy Mayor Wallace, and Councilmembers Chelminiak, Lee, Robertson, Robinson, and Stokes

ABSENT: None.

1. Executive Session

Deputy Mayor Wallace opened the meeting at 6:01 p.m., and declared recess to Executive Session for approximately 30 minutes to discuss one item of property acquisition.

The meeting resumed at 6:27 p.m., with Mayor Balducci presiding.

2. Study Session

(a) Update on Downtown Livability Initiative

Acting City Manager Brad Miyake recalled that the Downtown Livability Initiative was launched in 2013 to review and update the Land Use Code for Downtown Bellevue.

Chris Salomone, Director of Planning and Community Development, said the 15-member Downtown Livability Initiative Citizens Advisory Committee (CAC) has been meeting since May 2013.

Dan Stroh, Planning Director, presented an update on the work related to the Downtown Livability Initiative. This effort is primarily a targeted review of regulations that guide Downtown development and land use activity.

Mr. Stroh said the Downtown has developed into nine neighborhood areas. He noted that the 12 principles for this work were established by the Council and are provided in the meeting packet beginning on page SS 2-9.

Emil King, Strategic Planning Manager, described the boundaries of the Downtown and the changes in population and employment since 1980. He presented a conceptual map of opportunities for future development in the Downtown.

Mr. King reminded the Council of the 15 members on the CAC. [A list is provided on page SS 2-7 of the meeting packet.] Additional stakeholders include residents and business representatives who have attended meetings and provided input. The CAC meets monthly and public comment is accepted at all meetings. Mr. King noted that David Sutherland resigned from the CAC in November due to a workload increase in his job.

Mr. King said the CAC reached a milestone in January with the identification of a range of strategies and alternatives to be evaluated against the Council Principles and sets of evaluation criteria. Topical areas include building height and form, the major pedestrian corridor, public open spaces, amenity incentive system, design guidelines, downtown parking, and other Code amendments (e.g., food trucks).

Mr. King described public involvement activities and outreach to Downtown residents and businesses.

Mr. King said the draft Land Use Code Audits report was produced last June. It identified what is working well and helped to diagnose issues and opportunities on which to focus.

Responding to Councilmember Robinson, Mr. King said the area along the south side of Main Street (north end of Surrey Downs) is technically outside of the Downtown boundary and is not being addressed in this work.

Councilmember Robertson questioned whether there are plans to replace the CAC member who resigned. She said one or two Board/Commission members on the CAC have terms ending soon, and she asked whether they will continue on the CAC.

Mr. King said staff does not have a recommendation to fill the Downtown Employer position on the CAC. He said there would be quite a learning curve for a new member at this point in the process.

Councilmember Lee brought up the issue of mobility and Downtown transportation planning.

Mr. King said he and Patti Wilma are part of the Downtown Transportation Plan team. That transportation planning is being incorporated into the Downtown Livability Initiative study.

Mr. Lee suggested making it more clear in the Downtown Livability information that the work is being coordinated with transportation planning. Mr. King concurred.

Mr. King described a map of the Downtown identifying development based on building height and form (including density).

Mr. King said the CAC has had quite a bit of discussion on building height and form. One key issue is whether heights and their urban form should be modified to better achieve the vision for the Downtown. He said there is general support on the CAC for the wedding cake pattern in the Downtown built environment.

Mr. King said that, currently, the tallest buildings in the Downtown are 450 feet. There is some interest on the CAC to discuss potentially allowing heights up to 600 feet.

Responding to Mayor Balducci, Mr. King said staff is modeling the outcome of taller heights as well as taller heights plus different floor-area ratios, up to the current FAR maximum of 9 in the Downtown core. Staff is not modeling increases in FAR only, which would result in bulkier buildings.

Councilmember Robertson commented on the importance of residents being able to see what those taller heights might actually look like.

Mr. King described how the analysis will be conducted to create a 3D model of the existing built environment, projects underway, and potential development on undeveloped lots. A number of scenarios will be studied and presented to the Council.

Councilmember Robinson questioned the potential for development to create micro-climates within the Downtown. Mr. King said there are computer programs that can take wind and other factors into consideration. He will add that to the list of the evaluation criteria.

Responding to Councilmember Stokes, Mr. King referenced page 2-11 of the meeting packet for information on the topics identified by the CAC and the evaluation criteria for each topic/issue. The building height and form topic is summarized on page 2-13.

Ms. Balducci encouraged Councilmembers to provide early feedback if there are aspects that they absolutely do or do not want to consider or to be studied further.

Continuing, Mr. King said residential buildings are currently allowed to 200 feet in the MU District. Staff and the CAC will be studying potential heights up to 300 feet. For the A area within the first 150 feet along the edges of the Downtown, staff and the CAC will look into expanding residential building heights from 55 feet to 70 feet. For the B area, staff and the CAC will study the potential for increasing residential building heights from 90 feet to 125 feet.

Responding to Councilmember Chelminiak, Mr. King said staff will analyze increased building heights alone as well as increased heights and FARs together.

Mayor Balducci questioned an area along I-405.

Responding to Deputy Mayor Wallace, staff said the Skyline Tower across the street from City Hall is approximately 250 feet tall. City Center Two is approximately 320 feet high.

Councilmember Chelminiak said the increased heights and densities raise the issue of mobility. Many of the streets are not built to handle large traffic volumes. He expressed concern that increased heights and FARs will not be appropriate in certain areas.

Deputy Mayor Wallace said that, if the City is going to take a look at height and form increases, it should be made clear that this is just a look and not a final decision. He observed that these are fairly significant changes to consider.

Mr. Wallace questioned how the transportation study intersects with an analysis of potentially increasing the FAR.

Mr. King said the transportation study used a 2030 market forecast for its modeling. Staff anticipates that specific FAR increases might not change the 2030 market forecast but it might change the distribution of development throughout the Downtown.

Mr. Wallace said there is a bit of an incongruity in hearing about the potential growth in trips combined with no funding for I-405, as well as a potential increase in FAR.

Mr. King said the CAC provided clear direction to study a broad range of options. However, the CAC will be checking in monthly with staff and does not intend to pursue alternatives that do not make sense or seem feasible or desirable as the process moves forward.

Referring back to Mayor Balducci's question, Mr. King said the OLB district between I-405 and 112th Avenue has somewhat of a suburban zoning pattern. It is limited to 3 FAR for residential and non-residential development and dictates a height limit of 75 feet for an office building and 90 feet for a residential or hotel structure. It has a 20-foot setback from 112th Avenue, which is different from many Downtown streets. Mr. King said the CAC has provided direction to study the implications of extending the zoning on the Bravern, Convention Center, and City Hall parcels to I-405. The effect would be examining how FARs up to 6 and 350-foot building heights would look.

Mayor Balducci concurred with Deputy Mayor Wallace that the discussion sounds like fairly significant changes. She realizes that these are just ideas to study, but she is concerned about development that would be too intense and change the character of what everyone likes about Downtown Bellevue.

Councilmember Stokes said he is comfortable with looking at the potential scenarios. He noted that the development would occur over many years, and he would like to consider all alternatives.

Councilmember Robertson concurred. She feels it is time for a thorough review of the Downtown plan and she would like to see all of the analysis suggested by the CAC. She said it might make sense to allow taller buildings along I-405 because the topography slopes down along the freeway. There will be more pedestrian activity with light rail in that area as well. Ms. Robertson also wants to study the economics of different scenarios as incentives are considered

later in the process. Councilmember Robertson acknowledged the importance of ensuring there is time to evaluate preferred alternatives with regard to transportation impacts as well. She said the area of the Downtown represents less than three percent of all land within the city limits.

Councilmember Lee concurred with Councilmember Robertson that the Downtown Plan has not been reviewed in many years and it would be appropriate to study a wide range of alternatives. The City needs to make sure that mobility will be viable with any alternative. He noted that the CAC was established to identify ideas for study and Council consideration.

Councilmember Chelminiak said the focus should continue to be on multiple areas including the Bel-Red corridor, Wilburton, and Eastgate. He cautioned that the Downtown could become too large, to its own detriment. He is concerned about 300-foot heights and sees intensities beyond what he believes the Council should be considering. Mr. Chelminiak stated his understanding that the Downtown Livability Initiative was intended to target how development could be handled differently in the Downtown with a principle to not increase intensity. He said it makes sense to study alternatives for the OLB district along I-405.

Continuing, Mr. King described the pedestrian corridor between Bellevue Way and City Hall along the NE 6th Street alignment. The CAC has discussed how the corridor has not reached its full potential. There are differences of opinion within the CAC about the appropriate role for the City - whether to be more active in planning and/or making changes or to allow private development to occur as it will.

Mr. King talked about the key issue of making the Pedestrian Corridor more memorable and vibrant. This includes studying weather protection, more green elements, connecting to light rail, bicycle usage, and whether to allow off-site contributions from developers. Other potential measures include partnerships to add events and activities, renaming/re-branding the corridor, and improving wayfinding, lighting, and other aesthetic elements.

Deputy Mayor Wallace asked whether PACCAR has been involved in discussions, especially since that building is a key property along the Pedestrian Corridor. Mr. King said a PACCAR representative was initially engaged in discussions about the corridor. However, that person retired and there has not been PACCAR involvement since that time. Mr. Wallace suggested engaging in renewed discussions with PACCAR.

Patti Wilma, Project Development Manager, said the CAC and residents are interested in how public open spaces can make the Downtown more memorable and vibrant. This evaluation will include open space expression, I-405 open space/lid, mid-block connections, design guidelines (i.e., solar access, seating, active edges, etc.), and funding mechanisms for open space acquisition and improvement. Ms. Wilma said there will be an analysis of amenity incentives to determine how they might be updated to meet evolving market conditions and to integrate new priorities.

Ms. Wilma said the CAC and staff are interested in reviewing, and potentially consolidating, several sets of design guidelines throughout the Land Use Code. Priorities include focusing on

the public realm and pedestrian experience, neighborhood-specific design elements, the importance of site design and urban architecture, creativity, and flexibility.

Another topic to be included in the evaluation of Downtown alternatives is parking including minimum required parking, Old Bellevue parking, accessible parking, and non-Code issues (i.e., public parking supply and the potential for public garages). Additional topics to be covered through design guidelines are garbage collection, mechanical equipment, vendor carts and food trucks, vacant sites and buildings, and permitted uses.

Ms. Wilma said key issues identified by the focus groups and stakeholders have been referred to other departments for action including the Transportation, Parks and Community Services, and Development Services departments.

Ms. Wilma reviewed the overall schedule. Public scoping began in Winter 2012, the CAC began meeting in Spring 2013, Land Use audits were conducted throughout 2013, and the current focus is on analyzing and evaluating a range of alternatives and strategies.

Councilmember Robinson suggested that, as staff considers design incentives in lieu of fees, she hopes the Parks Department will be involved in those discussions. Ms. Wilma said staff will be looking at the range of opportunities from Downtown Park to the I-405 lid.

Mayor Balducci thanked staff for their work.

At 7:55 p.m., Mayor Balducci declared recess to the Regular Session.

Myrna L. Basich, MMC
City Clerk

/kaw

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

March 3, 2014
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Balducci, Deputy Mayor Wallace, and Councilmembers Chelminiak, Lee, Robertson, Robinson, and Stokes

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:08 p.m., with Mayor Balducci presiding.

2. Roll Call, Flag Salute

All Councilmembers were present.

Mayor Balducci welcomed Ambassador Girl Scout Troop 51064 to present the colors and lead the flag salute.

(a) Girl Scout Gold Award Project Recognition

Mayor Balducci called Natalie Doggett forward to describe her Girl Scout Gold Award Take-Action Project. Her project involved participating in a training class with the King County Department of Elections, registering newly eligible voters at the six Bellevue School District high schools, producing a video called *How to Get Registered to Vote*, interviewing the King County Director of Elections, and presenting her project to the History Department Chair at Newport High School for use in the U.S. Government class.

Brittany Byrd, Troop Program Manager for the Girl Scouts of Western Washington, presented the award to Ms. Doggett. She said the Girl Scout Gold Award is comparable to the Boy Scout Eagle Award, and she commended Ms. Doggett on her accomplishments.

Mayor Balducci declared a brief break to take photos with Ms. Doggett.

3. Communications: Written and Oral

- (a) Alex Zimmerman, representing StandUP-America, spoke in favor of term limits for Councilmembers. He would like the City Manager to hold open public forums. He reiterated his ongoing opposition to red light cameras. He is concerned that the City does not require Police personnel to track their hours. He commented that he is being prosecuted by the City and the matter is currently on appeal. He suggested this is costing the City more than \$100,000. He said the Council does not respect people.
- (b) Phil Moser, representing the Newport Way Sidewalk Committee, thanked the City Council for placing the requested sidewalk project in the Transportation Facilities Plan (TFP). He asked the Council to move the project to the top of the list. He expressed concerns about pedestrian safety and noted the number of public facilities (i.e., library, South Bellevue Community Center, and others) along the road. He said Bellevue does not appear to have a point system for ranking sidewalk projects. He said the City of Kirkland does have such a system. Mr. Moser thanked Councilmembers for their support.

Mayor Balducci asked the City Manager to forward Mr. Moser's testimony to the Transportation Commission.

- (c) Renay Bennett, representing the Bellecrest Neighborhood Association, reported on the light rail open house the previous week. At the event, she had a number of questions about the sound walls, access into the Surrey Downs neighborhood, and a number of other issues, and the several Sound Transit staff present were not able to answer the questions. She commended Maher Welaye, Bellevue staff, for stepping in and answering what he could and assuring her he would get additional information to her. She said he has been very helpful. She expressed concern that access into Surrey Downs will affect the Bellecrest area, which already experiences traffic congestion and safety issues.
- (d) Queen Pearl noted that it is Women's History Month. She expressed concerns about the Seattle Police Department and restrictions on speaking before the Seattle City Council.
- (e) Will Knedlik spoke on behalf of the Committee Opposed to the King County Transportation District's ballot proposal to raise taxes on automobile owners, boat owners, and others. He has asked the King County Prosecutor to correct the ballot title so that taxpayers will fully understand that they are being asked for a 1,500 percent tax increase on motor vehicles. He said East and South King County taxpayers contribute 65 percent of transit taxes and receive 37 percent in services. He encouraged the Council to hold a public hearing on the proposed ballot measure. He asked the Mayor to recuse herself due to her employment with King County.
- (f) Marilyn Taylor, a Seattle resident, commented on Agenda Item 5(b) and noted her opposition to fluoride in drinking water. Noting the legalization of marijuana, she expressed concern that people will be smoking it on public streets.

4. Reports of Community Council, Boards and Commissions

Xiaoning Jiang, an adult member of the Youth Link Board, introduced an update on the Board's activities. The Youth Link Board annual retreat was held on October 19, 2013, and participants identified a number of priorities to be implemented by the Youth Link program.

Youth Board Members provided additional information. Laura Reifsnyder described plans for expanding youth engagement. Angela Navas described the second priority of program funding sustainability. Christina Huang said the final top priority is to increase community connections and strategic planning.

Brian McDonald, an adult member of the Youth Link Board, said the Youth Involvement Conference will be held at City Hall on March 7. He invited the Council to the annual Gumbo Night on March 26. The Youth Link 24th Annual Community Leadership Awards will be held at City Hall on May 28. Mr. McDonald thanked the Council for its ongoing support of the Youth Link program.

[The group submitted a written report as well.]

Mayor Balducci thanked the representatives for the update.

5. Report of the City Manager

(a) Management Brief regarding NPDES Municipal Stormwater Permit Annual Report

Acting City Manager Brad Miyake referred the Council to page 5-1 of the meeting packet for a management brief on the National Pollutant Discharge Elimination System (NPDES) Permit annual report. The City is required to submit an annual compliance report.

Utilities Director Nav Otal said the deadline for submitting the report is March 31. Staff will be requesting Council action on March 17 to authorize the City Manager to sign the report. The City is in full compliance with the 2013 permit. There is considerable work to be done over the next five years to comply with new conditions placed on the permit, however.

(b) Management Brief regarding Fluoride in Drinking Water

Mr. Miyake referred to page 5-13 of the meeting packet for a management brief on fluoride in drinking water. This item is in response to public testimony on February 18.

Ms. Otal said the fluoridation of drinking water has been in practice in the U.S. since 1945 as a preventative measure against tooth decay. She said Seattle began fluoridating water in 1970 following a referendum vote, and all state and national health agencies support the practice. The recommended levels are between 0.8 and 1.3 parts per million. Local water is tested daily to ensure it is within the recommended levels, and fluoride levels average 0.8 parts per million.

Ms. Otal said the meeting packet contains a response from the Cascade Water Alliance on this issue. She said the citizen's testimony referred to studies conducted in China, which were based

on very high levels of naturally occurring fluoride, more than tenfold higher than the highest recommended level in the U.S.

Mayor Balducci thanked staff for the update.

Mr. Miyake alerted Council to a vacancy on the Light Rail Permitting Citizens Advisory Committee (CAC). He will discuss this with the Mayor to determine how to proceed.

Mayor Balducci asked Councilmembers to speak to Mr. Miyake or Mike Brennan if they have strong opinions and/or input to provide. It will be helpful for staff to gather that information before they meet with her.

6. Council Business and New Initiatives

- (a) Suspension of Council Rules to allow remote participation of Councilmembers Lee and Robinson during the March 10 meeting

Mayor Balducci suggested, and everyone agreed, to postpone Council business reports to the end of the meeting.

- Councilmember Chelminiak moved to amend Council Rules to allow Councilmembers Lee and Robinson to remotely participate via speakerphone for the March 10 meeting. Councilmember Robertson seconded the motion.
- The motion carried by a vote of 7-0.

- (b) Recommendation to Reschedule March Regional Issues Agenda Item

City Clerk Myrna Basich said a four-hour Budget Workshop has been scheduled for the March 24 Extended Study Session. In order to provide a full four hours to discuss the upcoming budget process, staff requests approval to reschedule that night's Regional Issues session to April 28.

Councilmember Robertson noted that the state legislative session will be ending soon, and she questioned whether there will be an opportunity to provide input on key issues for the remainder of the session. Ms. Basich said she conferred with the Director of Intergovernmental Relations, who indicated that the state legislative session does not appear to be ending with any items of significant relevance to the Council. The Director will provide a written report for the Council.

Deputy Mayor Wallace said he has heard that the topic of transportation is gaining more momentum within the Senate than originally anticipated. Ms. Basich said staff will bring any time-sensitive issues to the Council as needed during upcoming meetings. There is no requirement that Council discussion of regional issues be restricted to the fourth Monday meeting. Council nodded their consensus with the rescheduling.

Mayor Balducci recalled previous discussions about the Performing Arts Center Eastside (PACE)/Tateuchi Center project. She said Councilmember Stokes has agreed to serve as Council

liaison to this effort.

7. Approval of the Agenda

→ Councilmember Stokes moved to approve the agenda, and Councilmember Chelminiak seconded the motion.

→ The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

→ Councilmember Chelminiak moved to approve the Consent Calendar, and Councilmember Stokes seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:

- (a) Minutes of February 10, 2014 Extended Study Session
Minutes of February 18, 2014 Study Session
Minutes of February 18, 2014 Regular Session

- (b) Resolution No. 8705 authorizing execution of an amendment to the professional services agreement with Pacifica Law Group LLP to increase the total contract amount from \$49,000 to \$300,000 for legal services in the lawsuit of City of Bellevue v. Pine Forest Properties, Inc., et al., KCSC No. 13-2-36105-1 SEA.

- (c) Ordinance No. 6153 amending the Human Resources Code, Chapter 3.79, to align with the federal Patient Protection and Affordable Care Act; and

Ordinance No. 6154 amending the Human Resources Code, Chapter 3.79, to align with the passage of State Initiative 502 legalizing marijuana possession and usage.

- (d) Resolution No. 8706 authorizing execution of an Interlocal Agreement with Seattle-King County Department of Public Health (DOH) to accept \$86,643.47 in grant reimbursement grant funds to implement hazardous waste prevention and education programs in accordance with the Local Hazardous Waste Management Plan (LHWMP).

- (e) Resolution No. 8707 authorizing execution of a professional services agreement with CM Design Group, in an amount not to exceed \$216,000, for engineering services for the Overlay and Pavement Restoration project (CIP Plan No. W-16).

- (f) Resolution No. 8708 authorizing execution of a professional services agreement with MWH Americas, Inc., in an amount not to exceed \$300,000, for on-call construction management and inspection services for various Utilities CIP programs (CIP Plan Nos. D-64, S-24 and W-16).

- (g) Resolution No. 8709 authorizing execution of a professional services agreement with Murray, Smith and Associates, Inc. (MSA), in an amount not to exceed \$295,000, for engineering services for the Wastewater Pump Station Evaluation, Phase 2 (CIP Plan No. S-16).

9. Public Hearings

- (a) Public Hearing to consider extending interim zoning controls, adopted by Ordinance No. 6128, regarding individual room rentals in residential buildings

Mr. Miyake introduced the public hearing to consider extending interim zoning controls, adopted by Ordinance No. 6128, regarding individual room rentals in residential buildings.

1. Staff Report

Carol Helland, Land Use Director, said staff is asking the Council to extend the interim ordinance originally adopted last September which expires March 23. This will allow more time for the Planning Commission to work on developing a recommendation regarding permanent regulations. The Commission will begin its work on March 12.

Ms. Helland recalled and highlighted key provisions of the interim ordinance.

Councilmember Chelminiak questioned the condition on single-family home construction and remodel permits requiring that homes be occupied consistent with the interim definition of family. If staff has reason to believe that a home is intended for occupancy by more than four unrelated individuals, the City asks that the owner sign an agreement that the home will be used consistent with the ordinance. Ms. Helland said only one agreement has been put in place at this point.

Responding to Deputy Mayor Wallace, Ms. Helland confirmed that tonight's action is simply to extend the interim controls ordinance. Ms. Helland said the Planning Commission will be the primary forum for working through the issues and participating in public testimony related to permanent regulations.

Responding to the Mayor, Ms. Helland said the Planning Commission hopes to complete its work by the August recess.

Councilmember Robinson said she hopes the City can work with Bellevue College to encourage them to develop student housing that does not impact single-family residential areas. Ms. Helland said the Comprehensive Plan Update process and the Eastgate planning study both include engaging with Bellevue College about student housing.

Mayor Balducci said there is general Council support for that approach to this issue.

2. Motion to open Public Hearing

- Councilmember Wallace moved to open the Public Hearing, and Councilmember Robertson seconded the motion.
- The motion carried by a vote of 7-0.

3. Receive Public Testimony

The following citizens came forward to comment:

- (1) Ronald Murk spoke in favor of extending the interim ordinance. He believes that four unrelated individuals living together is still too many. He said the topic would be discussed the next night at the East Bellevue Community Council (EBCC) meeting. He suggested it should be discussed elsewhere in the community as well.
- (2) Glenn Extor addressed Councilmember Chelminiak's earlier comment about compliance with the City's definition of family. He said this is also enforced through complaints to the City, and he noted that neighbors filed a complaint regarding a house on his street. He believes there is a loophole in Code section 20.50.012B, Definitions. The language refers to those housed and/or fed for profit. He suggested that "profit" be changed to "pay" because an owner could claim that they do not make a profit. Mr. Extor spoke in favor of the extension and thanked Councilmembers for their work.
- (3) Barbara Benson, a Spiritwood resident, thanked the City for passing the interim control ordinance. She said a number of property owners are violating the ordinance, however, and are continuing to advertise rooms on Craigslist.
- (4) Irene Fernandes, a neighbor, said she shares Ms. Benson's concerns. She said neighbors reported one Craigslist ad to Code Compliance and the ad is now gone. She said that ad was trying to fill a sixth bedroom.
- (5) Nanette Fricke expressed support for extending the ordinance and thanked staff for their work. She reported on numerous ads on Craigslist and other sources, including ads for multiple bedrooms in one house and at least one ad with two kitchens. These have been reported to City staff. She said this is a problem beyond Spiritwood into other areas of Bellevue. Residents look forward to working through the issues with the Planning Commission.
- (6) Stephanie Walter said she agrees with the previous comments by her neighbors.
- (7) Steven Fricke said he agreed with his wife.
- (8) David Pater said he appreciates the hard work of the Council and Development Services staff. He said there are four boarding house properties on his block. He said the Spiritwood area is especially vulnerable due to its proximity to Bellevue College and

high rental rates in the region. He said the key issue is that this is a multifamily use disguised as a single-family house, which is inconsistent with the legal zoning.

4. Motion to close the Public Hearing

→ Councilmember Wallace moved to close the Public Hearing, and Councilmember Robertson seconded the motion.

Councilmember Robinson commented that, during the power outage years ago, the Lake Hills area was the perfect example of a neighborhood that bonded together and helped each other. She said they coined the term “a handful of help” and each person was encouraged to help five people around them. She said this speaks to the attributes of single-family neighborhoods.

→ The motion carried by a vote of 7-0.

5. Council Discussion and Action

Councilmember Robertson expressed support for extending the interim control ordinance. She agreed with Mr. Extor’s suggestion to change the reference to “profit” to “pay or compensation.”

Ms. Helland said staff will take all comments from tonight to the Planning Commission.

→ Councilmember Robertson moved to adopt Ordinance No. 6152 extending interim zoning controls adopted by Ordinance No. 6128 with regard to individual room rentals in residential dwellings. Deputy Mayor Wallace seconded the motion.

Councilmember Stokes said that, as Council liaison, he looks forward to the Planning Commission’s work. He thanked the community for working with the Council and City staff in a positive, productive manner.

→ The motion to adopt Ordinance No. 6152 carried by a vote of 7-0.

Mayor Balducci thanked the community for continuing to work on this issue.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions: None.

12. Unfinished Business

Councilmember Chelminiak reported that the Council attended its annual retreat.

Councilmember Lee said he and Mayor Balducci met with Kristi Heim, the new Executive Director of the Washington State China Relations Council. Mr. Lee said he would be attending the National League of Cities (NLC) conference the following week.

Deputy Mayor Wallace attended the 60-percent design open house on the East Link light rail East Main Station. It was well attended and he spoke with Sound Transit and City staff. Mr. Wallace said it would be helpful for the Council to receive copies of the printed information and presentation from that event. He asked staff to make sure to follow up with answers to Renay Bennett's questions.

Councilmember Robertson spoke in favor of filling the vacancy on the Light Rail Permitting Citizens Advisory Committee (CAC) with a neighborhood representative. She said Wendy Jones has been attending the meetings and is well informed on the issues.

Councilmember Stokes concurred with the suggestion to appoint Wendy Jones. He reported that he, Mayor Balducci, and Councilmember Robinson attended the Sound Cities Association (SCA) dinner. Mr. Stokes said he missed the previous week's Council meeting to attend the King Conservation District's annual dinner.

Councilmember Robinson toured the Bellevue Service Center (BSC) and met with representatives of the Washington Sensible Shorelines Association. She met with the West Lake Sammamish Association, Surrey Downs residents, the Sunset Community Association, and residents of the Rockwood neighborhood.

Mayor Balducci reported on a communication from State Representative Tana Senn indicating that \$750,000 has been included in the House capital budget for Bellevue Downtown Park's inspiration playground. She suggested that Councilmembers encourage State Senators to support this allocation. Ms. Balducci met with International Community Health Services, a Seattle-based organization that will be opening a clinic in Bellevue this summer focused primarily on serving Asian communities. She and several Councilmembers have met with representatives of the KidsQuest Museum regarding their capital projects.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

Mayor Balducci declared the meeting adjourned at 9:32 p.m.

Myrna L. Basich, MMC
City Clerk

/kaw